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The 1989 NCCD Prison Population Forecast:
The Impact of the War on Drugs

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HIGHLIGHTS

In April 1988, the National Council on Crime and Delinquency issued its first national prison population forecast, based on the prison population projections of nine states. At that time, we estimated these states would expand their prison populations by 21 percent in five years.

In this second edition, the prison population projections for 12 states are even more dramatic. These projections make it clear that the nation's use of imprisonment will continue to escalate unless the states alter their policies. In particular the current War on Drugs will overwhelm the nation's correctional systems over the next five years.

For example:

- Under existing policies, the states will increase their prison populations by over 68 percent by 1994, an annual average growth rate of about 13 percent per year. This rate of growth is twice that projected by NCCD in its 1988 forecast.
- The projected 68 percent inmate population increase translates into an additional 460,000 inmates by 1994 for a total of 1,133,000 prison inmates. With average operating costs of $25,000 per inmate per year and a construction cost of $50,000 per cell, states will require at least an additional $35 billion to build and operate their prisons over the next five years.
- By 1994, the current incarceration rate of 250 per 100,000 population will increase to 440 per 100,000.
- By 1991 California will become the first state to exceed 100,000 inmates; by 1994 it will have over 136,000 inmates. It will cost an estimated $4 billion annually to operate California's prison system by 1994.
- Florida's prison population will grow faster than any other state, reaching over 100,000 inmates by 1994.
- The primary reason for the dramatic increase in prison populations is the War on Drugs, which is not only increasing the number of prison admissions but is also increasing the rate of parole violations.
- The already disproportionate rate of Blacks and Hispanics being sent to prison will increase considerably principally due to the War on Drugs.
- Despite the increased use of incarceration, especially for Blacks, Hispanics, and drug offenders, there has been no positive impact on crime rates. In fact crime rates have increased by nearly 13 percent since 1984.
- As states are faced with ever increasing prison admissions, longer prison sentences, and limited prison capacity, new methods for and massive use of good-time credits to shorten prison sentences will occur.

INTRODUCTION

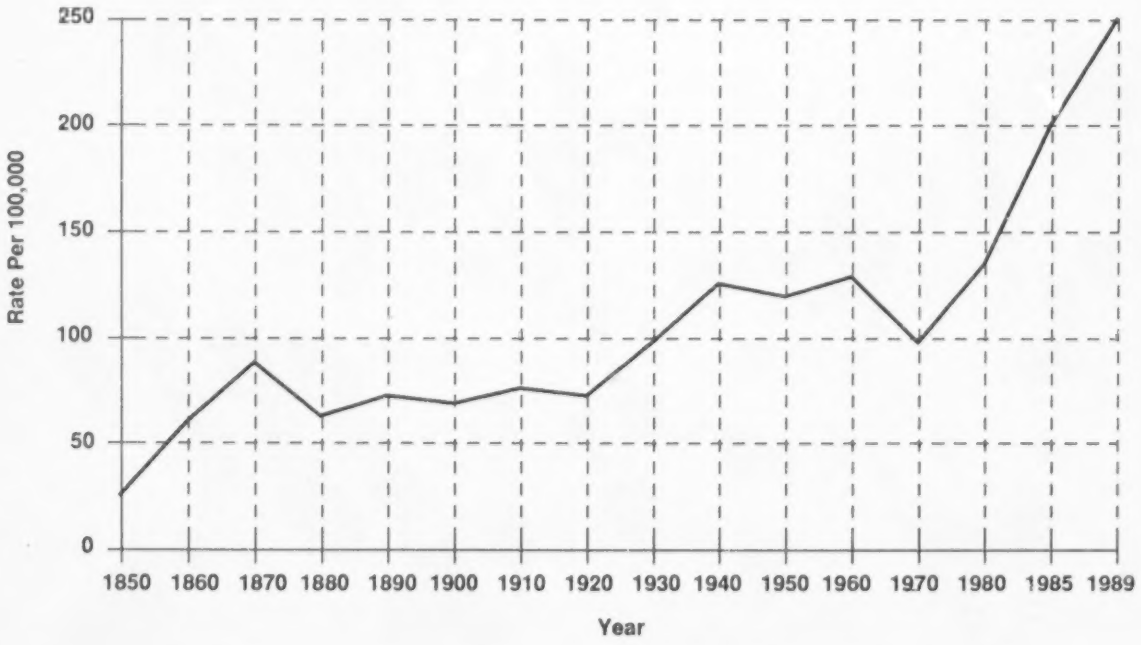
The 1988 forecast was viewed as conservative since many states were continuing to experience major changes in their law enforcement, sentencing, correctional and parole board policies. Collectively, all of these anticipated political activities were designed to increase the probabilities of arrest, conviction, imprisonment, longer periods of imprisonment and failure on parole.

As anticipated, the 1988 forecast has proven to be conservative. Consider the following national statistics:

1. In just 18 months (from December 1987 to June 1989) the nation's prison population grew by 15.3 percent. In the first six months of 1989 the nation's prison population grew by over 7 percent—an all time historic increase.[1]

2. There are now 673,565 inmates in the nation's state prisons. This figure excludes the estimated 365,000 men

Exhibit A: U.S. Prison Incarceration Rates 1850–1989



women and children in jails and juvenile facilities.[2]

3. The nation's imprisonment rate reached 250 prisoners per 100,000 in 1989—nearly nine times higher than the 29 per 100,000 rate recorded in 1850 (see Exhibit A).[3]

It appears that the phenomenal growth of prison populations during the 1980s will be followed by even greater increases over the next five years, which will threaten to completely overwhelm the nation's prison systems. In this report, we review the factors that drive these numbers and offer some likely consequences of this unparalleled rate of growth.

THE NCCD FORECASTING STATES

Since 1982, NCCD has been actively assisting states with projecting prison populations. The specific mathematical model developed by NCCD is a stochastic entity policy simulation model which has been successfully utilized in other engineering and business applications.

This type of model differs significantly from other time-series models or other simulation models which rely upon estimates of such key factors as lengths of imprisonment. The NCCD model directly mimics those factors that determine an inmate's length of stay including the amount of good-time awarded, revoked and restored, chances of being paroled at first and subsequent parole hearings, wait-times between hearings, and parole revocations. More significantly, it also allows one to directly model the implementation of new sentencing trends routinely introduced by legislatures, as well as changes in correctional policies.

This policy simulation model has proven to be useful to states since prison population growth is largely a function of changing policies. The recent historic growth in the nation's prison population cannot be adequately explained by crime rates (which have remained largely unchanged) or growth in the general population which have not kept pace with prison population increases. Instead, growth in prison populations can best be explained by the unrelenting passage of laws designed to sentence more offenders to prison and for longer periods of time. Within this context, a policy simulation model simply reflects the consequences of such dramatic policy shifts. And, since policy is in a constant state of flux, prison populations exhibit erratic growth patterns.

Twelve states now use NCCD's projection methodology, which is three more than in the 1988 national forecast (see Table 1). These 12 states represent a diverse mix of geographic regions, demographic populations, and criminal justice sentencing structures (indeterminate and determinate sentencing with and without parole). More significantly they collectively represent 40.5 percent of the 1989 national prison population. It also appears that the prison populations of these states are growing at a slightly higher rate than for the nation as a whole. Between December 1987 and June 1989 the nation's prison population grew by 15.3 percent whereas the NCCD model states grew by 20 percent. Those states with the largest prison populations also have the fastest growing prison populations (California, Michigan, Florida, Ohio and Virginia).

Since these 12 states now employ a standardized methodology and cover such a large proportion of the nation's entire prison population, they can serve as bellwether states in indicating how current criminal justice trends will impact future prison population growth. As noted above, these projections reflect the consequences of current criminal justice policies and assume that such policies will continue unabated. However, in all these states new criminal justice policies continue to be introduced, debated and passed which impact the projections presented here. As new policies are implemented projections will be adjusted to accommodate them.

Table 1: Prison Population Increases For NCCD Projection States 1987 to 1989

State	December 1987	December 1988	June 1989	% Increase
California	66,975	76,171	82,872	23.7%
Florida	32,466	35,390	38,059	17.2%
Illinois	19,850	21,081	22,576	13.7%
Louisiana	15,375	16,149	16,565	7.7%
Massachusetts	6,335	6,838	7,261	14.6%
Michigan	21,930	25,377	30,036	37.0%
Nevada	4,371	4,902	5,238	19.8%
Ohio	23,943	25,861	28,332	18.3%
Oklahoma	9,639	10,448	11,273	17.0%
Oregon	4,309	4,860	5,400	25.3%
Tennessee	8,862	9,709	9,774	10.3%
Virginia	12,896	14,203	15,133	17.3%
Total	226,951	250,989	272,519	20.0%
U.S. Total	584,435	627,402	673,565	15.3%
% of U.S. Total	38.8%	40.0%	40.5%	

Source: Bureau of Justice Statistics
U.S. Department of Justice
September 10, 1989

PROJECTED PRISON POPULATIONS

By 1994 the 12 states for which NCCD conducts prison population projections will increase their prison populations by more than 68 percent, an annual average growth rate of about 13 percent per year (Table 2). This rate of growth is more than twice that projected by NCCD in its 1988 forecast.

California will continue to lead the nation in sheer population growth. Currently it has a population of 82,855 and a design bed capacity of only 49,000. By 1991 it will become the first state to exceed the 100,000 population figure and by 1994 it will have over 136,000 inmates. Operating costs for California's system are expected to reach $4 billion by 1994. Furthermore, an additional $3.5 billion in construction funds will be needed to simply remain at 130 percent of its current design capacity.[4] It will clearly retain its position as the world's largest and most crowded prison system.

Nevada, which has always ranked near the top in its rate of incarceration (currently 475 inmates per 100,000 population or nearly twice the national incarceration rate of 242 per 100,000), will continue its number one rating by nearly doubling its existing 5,249 inmate population. This rate of growth will easily outstrip the estimated 30 percent growth of the state population during the same time period.

There are only two states which show a relatively moderate rate of increase—Louisiana and Tennessee. In these cases the lower growth rate is somewhat misleading in that it is directly attributable to recent and on-going litigation which has placed strict capacity limits on the size of the states' prison populations.

Table 2: Five Year Projected Prison Populations June 1989 - June 1994

State	1989	1990	1991	1992	1993	1994	% Change
California	82,855	94,995	107,250	117,775	127,725	136,640	64.9%
Florida	39,085	68,436	80,469	88,977	95,371	100,855	158.0%
Illinois	22,894	26,079	28,623	30,552	32,559	34,373	50.1%
Louisiana	16,324	16,700	17,084	17,477	17,878	18,290	12.0%
Massachusetts	7,738	8,491	8,948	9,411	9,678	10,065	30.1%
Michigan*	27,619	31,773	35,146	38,519	41,892	45,265	63.9%
Nevada	5,249	5,909	6,906	7,734	8,686	9,500	81.0%
Ohio	28,332	32,051	35,005	38,096	41,048	42,852	51.2%
Oklahoma	11,274	12,003	12,843	13,874	14,846	15,823	40.3%
Oregon	5,355	5,906	6,466	7,192	7,903	8,748	63.4%
Tennessee	9,774	10,083	10,239	10,125	10,049	10,088	3.2%
Virginia	15,288	17,033	18,853	20,981	23,046	25,120	64.3%
Total	271,787	329,459	367,832	400,713	430,681	457,619	68.4%

*Projected prison populations for 1992 - 1994 are extrapolated estimates and are not official figures.

One common method used to control population growth for these two states (and others) is to house inmates committed to state prisons in local jails. In Louisiana, there are approximately 4,000 inmates housed in local jails (Parish Prisons) who otherwise would have been placed in state prison were it not for the necessity of meeting the conditions of the state's consent decree (*Hayes vs. McKeithen*). In Tennessee over 2,800 inmates, and in Virginia over 2,000 inmates are so housed.

But of all the states, the most dramatic forecast is Florida's, where a combination of conservative sentencing guidelines, crowded jails, population growth and the War on Drugs is rapidly propelling the state's prison system into utter chaos.[5] Between 1983 and 1989 annual prison admissions have increased from 14,301 to nearly 40,000, a 180 percent increase. The state expects these trends to continue, with 1994 prison admissions increasing to 62,912 and the prison population numbering more than 100,000 by 1994.

To counter these dramatic increases in prison admissions and to keep the prison system from becoming "gridlocked," the state has dramatically increased its use of "administrative gain time" and "provisional release credits." These actions have shortened prison terms to the extent that over 3,000 inmates now are being released early *each month* and all inmates serve about 34 percent of their original prison sentences. Only 12 months ago, inmates served about 41 percent of their sentences.

Florida can continue indefinitely to increase these good-time credits and thus reduce the size of the projected prison population. The 1994 projected 100,000 population actually assumes that provisional release credits will be discontinued. In all likelihood this will not happen as the state is forced to stay within its current prison capacity of 41,000 beds. Over 9,000 beds have been authorized for next year and an additional 5,000 to 6,000 beds will be added in the following year. Consequently, the "unrestrained" projection of 100,000 is unlikely to actually occur. But it is likely that prison terms will continue to be dramatically reduced to help the state avoid a grid-lock situation within its prison system. Thus the extent to which the state continues to use shortened prison terms as the sole means for countering the staggering projected population trends is a policy issue state officials will have to address in the near future.

IMPACT OF THE WAR ON DRUGS ON PRISON POPULATIONS

Although a number of factors contribute to the dramatic increases in prison populations, none is more important than the nation's new found emphasis on incarcerating those caught using, selling, and producing illegal drugs. This renewed emphasis on illegal drugs is impacting these states in two ways: 1) Dramatic increases in prison sentences for drug related offenses; and, 2) Dramatic increases in parole violations.

Between 1970 and 1986, drug crimes (sale and possession) only composed about 10 percent of state prison admissions. However, the recent emphasis on drug enforcement has changed that pattern dramatically. Table 3 presents recent trends in prison sentences for drug crimes for selected states. This table shows that many states have experienced a doubling of sentenced drug offenders during the past two to three years. In most states these sentences now represent 20 to 35 percent of prison sentences and are largely responsible for the dramatic increases in prison

populations over the past year.

As expected, Florida presents the most dramatic trends with respect to drug sentencing. In 1985 about 15 percent of all prison admissions were for drug crimes. By the end of 1988 that percentage had increased to over 35 percent. Over 80 percent of drug prison sentences were for cocaine (43.5 percent for sale and 37.9 percent for possession).

These increases have significant side effects on the overall demographic composition of the prison population. First, the already high incarceration rate of minorities continues to increase. Drug enforcement has been narrowly focused on crack, the drug of choice among the underclass, which is also disproportionately Black and Hispanic. Consequently, the proportion of offenders sentenced to prison who are non-white is escalating.

This phenomenon is clearly noted in data provided by Virginia.

The past 12 months have shown significant increases in the number of non-whites incarcerated which in turn can be traced to an increase in drug offenses which are disproportionately non-white (Exhibit B). In Florida 73.3 percent of all drug offenders are Black compared to 53.6 percent for all other prison admissions.

The second effect of the War on Drugs is an increasing number of older offenders. Drug addicts and those involved in drug trafficking tend to persist in their criminal behavior longer than other offenders. As the nation emphasizes the imprisonment of such persons, increasing numbers of offenders above the age of 40 are being sentenced to prison. This age group, while still a minority of all prison admissions, is the fastest growing group of inmates in many states.

Parole failure is also increasing partly due to the increased emphasis on drug testing and Intensive Supervision Programs which are designed primarily to enhance the surveillance of parolees and not necessarily to assist them in the difficult transition from prison to the streets. Based on national data collected by the U.S. Department of Justice there has been a 284 percent increase in the number of parole violators returned to prison between 1977 and 1987. This rate of increase far exceeds the 97 percent increase in court admissions for the same period. Approximately one out of every three prison admissions are people who have failed to complete their parole supervision.

Among all the states, California is again the nation's leader in parole violations. In 1987, there were 62,729 California prison admissions. Half of those admissions were parole violators and 80 percent of the parole violators were returned for technical violations. Based on the national data, nearly two out of every five parole violations occur in California alone (see Exhibit C). More significantly, prison admissions for parole violations now exceed prison admissions for new court sentences.[6]

Table 3: Increases In Drug Offense Prison Admission for Selected States

States	Time Period	Percent Increase
Virginia	July 1986 - June 1989	136%
Michigan	July 1986 - June 1989	201%
Oklahoma	July 1986 - September 1989	174%
Florida	July 1986 - January 1989	168%
Tennessee	July 1986 - June 1989	128%
Illinois	July 1986 - June 1989	156%
Nevada	January 1986 - December 1988	107%
California	January 1982 - December 1987	635%
Louisiana	June 1988 - June 1989	34%

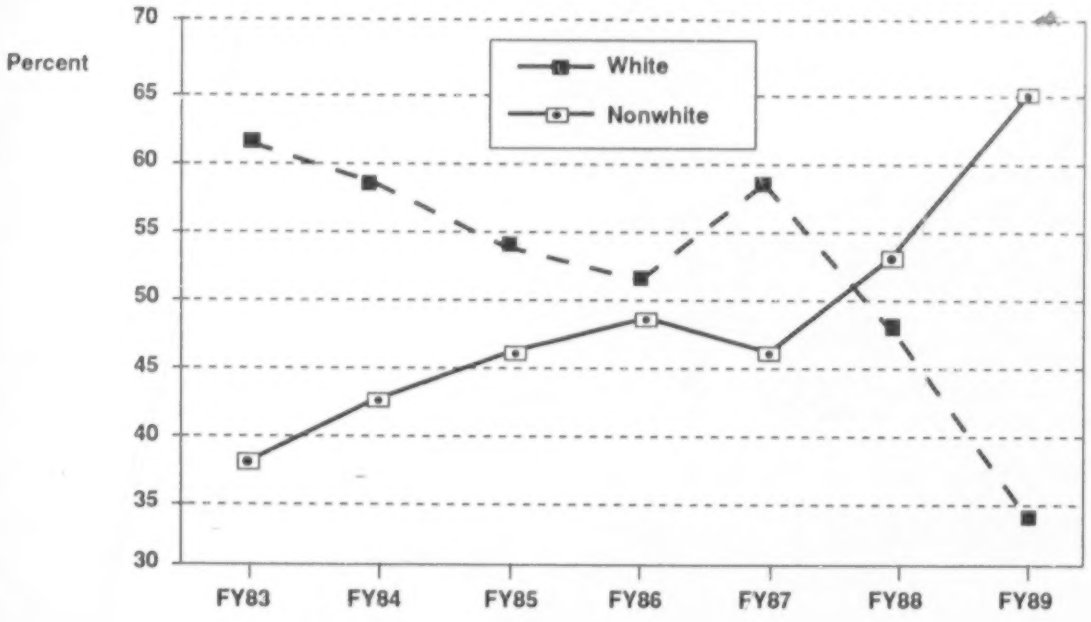
POLICY IMPLICATIONS

The 1988 NCCD FOCUS Forecast included several predictions on how current policies and trends would impact the extent of prison population growth and characteristics of the nation's prison populations. These statements remain pertinent with little updating.

Aging Prison Population: This trend is actually accelerating beyond earlier predictions due to the Drug War. Increasing numbers of prison admissions are for persons over the age of 40 who have been convicted of drug use or trafficking. Coupled with longer prison terms imposed by the courts, more restrictive parole policies, and increased parole violation rates, we can expect prison populations to continue to age. The only trend contradicting this phenomenon will be the dramatic increase in use of good-time credits to shorten prison terms.

Geriatric Prisons: Although there has been no rapid increase in such prisons, it is inevitable that they will become commonplace by the turn of the century. States and the federal courts have passed laws requiring inmates to serve

Exhibit B: Percent of New Drug Commitments by Race, Virginia



their natural lives in prison. Since prisoners in general have poorer health conditions than the population at large, and are increasingly prone to drug and alcohol addiction, the overall health care needs of prisoners will increase as will provision costs.

Expanded and Creative Use of Good-Time Credits: As states continue to face increasing prison admissions, longer prison sentences, and limited prison capacity, the implementation of new and innovative methods for accelerating the use and rate of good-time credits will shorten prison sentences. This tactic has been increasing for some time in many states. As illustrated before, Florida has significantly shortened prison terms by creating new forms of good-time. Illinois continues to give an average of 60 additional days to most inmates for "meritorious" behavior. Such efforts will undoubtedly expand and for good reason. Prior studies have consistently shown that reductions (or increases) in length of stay have no consequences for crime rates.[7]

No Declines in Crime: Despite historic increases in the use of imprisonment, the national crime rate remains unchanged, and more recently, is increasing. Between 1984 and 1988 serious crimes reported to police (excluding drug offenses) per capita have increased by nearly 13 percent. Just recently, the FBI announced that reported crimes had increased again by 3 percent during the first six months of 1989. No reductions in the crime rate are envisioned given demographic and economic trends which indicate an increasing underclass population.

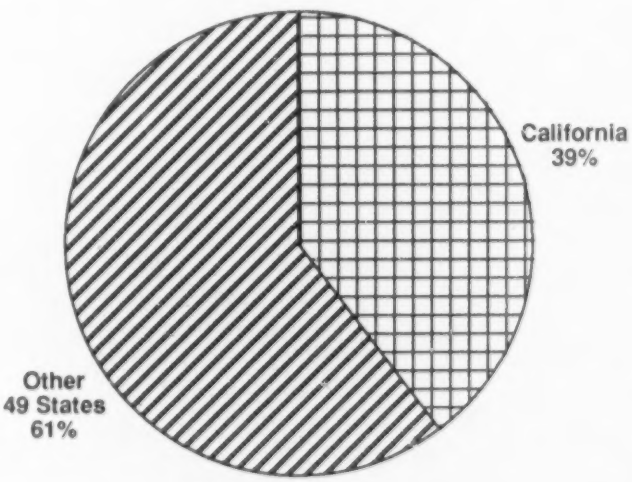
Increasing Proportions of Hispanic and Black Prisoners: As indicated above, the War on Drugs is fueling the rate of incarceration for Hispanics and Blacks. Continued population growth among Hispanics, especially lower class Hispanics, will accentuate this already disturbing trend.

Escalating Prison Budgets: State correctional budgets continue to be the fastest growing segment of state expenditures. It is likely that these appropriations will increase by at least 50 percent over the next five years unless dramatic actions are taken by state officials.

Shortage of Experienced Correctional Staff: Assuming that the national prison population grows by 68 percent during the next five years and an inmate to staff ratio of four to one, over 115,000 correctional officers must be added to the current work force.

Massive Expenditures For Prison Construction: The projected 68 percent inmate population increase translates into an additional 460,000 inmates. At an average cell construction cost of $50,000, states will have to fund a $23 billion construction program over the next five years. If states rely upon conventional bond initiatives to finance this construction program, total costs will at least double to $46 billion before the bonds are repaid.

Exhibit C: Estimated Proportion of Parole Violators Occurring in California



Sources: BJS and CDC

FOOTNOTES

1. U.S. Department of Justice Advance Press Release *"Prison Population Jumps 7.3 Percent In Six Months"* (September 10, 1989).
2. See NCCD FOCUS *Ranking the Most Punitive and Costly States* (July 1989).
3. Calahan, Margaret, *Historical Corrections Statistics in the United States, 1850-1984.* (Washington, D.C.:Department of Justice, Bureau of Justice Statistics, 1986).
4. See *California Blue Ribbon Commission: Inmate Population Management* letter to Governor George Deukmejian (September 20, 1989).
5. All the information presented here on Florida is contained in the report entitled *Final Report of the Florida Consensus: Criminal Justice Estimating Conference* (February 23, 1989).
6. See Austin, James and William Elms, *Parole Outcome in California: The Consequences of Determinate Sentencing ,Punishment, and Incapacitation on Parole Performance,* San Francisco, CA: NCCD.
7. See Austin, James "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy." *Crime and Delinquency* (October) Vol.32, No.4:404-502.

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